

TUESDAY, JANUARY 19, 1999

Civil MARRIAGE OF MITZI AND STEVEN CHRISTOPHER
No. v.
C026649 STEVEN DON CHRISTOPHER
C026900 BY THE COURT:

Appellant's petition for rehearing is denied.

Dated: January 19, 1999

SIMS, Acting P.J.

Civil In re Marriage of PERKINS
No. MARY PERKINS
C030342 v.
DONALD PERKINS
BY THE COURT:

Pursuant to written request of appellant, the appeal filed August 7, 1998, is dismissed. It is further ordered that the remittitur issue forthwith. (See Cal. Rules of Court, rule 19 (b).)

Dated: January 19, 1999

SCOTLAND, P.J.

Juvenile In re T'NISHA B. ET AL., Person Coming Under the Juvenile Court Law.
No. CHILDREN'S SERVICES DIVISION
C030833 v.
GEORGIA M.
BY THE COURT:

No claim of error having been raised by appellant T'nisha., the appeal filed October 14, 1998, is dismissed as abandoned, (In re Sade C. (1996) 13 Cal. 4th 952, 994.)

Dated: January 19, 1999

SCOTLAND, P.J.

TUESDAY, JANUARY 19, 1999 CONTINUED

Civil	ESTATE OF VERNON S. DALLMAN, DECEASED
No.	ELAINE DALLAMAN
C030859	v.
Civil	ESTATE OF VERNON S. DALLMAN, DECEASED
No.	ELAINE DALLMAN
C031000	v.

VERNON S. DALLMAN, JR.

BY THE COURT:

The motion of Elaine Dallman for consolidation of the above two cases is granted. The cases are ordered consolidated for all further appellate procedures except that they will retain their respective case numbers. Whenever documents are submitted for filing by the parties, an original must be presented for each case number, however, if copies of documents are required pursuant to the California Rules of Court, the parties need only submit a maximum of four. The cases will be considered for decision together.

Appellant Vernon Dallman, Jr.'s opening brief is due on or before 30 days from filing of record on appeal. Elaine Dallman's combined appellant's opening and respondent's brief is due 30 days thereafter. Vernon Dallman Jr.'s combined respondent's and appellant's reply brief is due 30 days thereafter. Elaine Dallman's appellant's reply brief is due 20 days thereafter.

Dated: January 19, 1999

SCOTLAND, P.J.

Crim	THE PEOPLE	(Not for Publication)
No.	v.	
C027408	ERIC LEE DICKERSON	

The judgment is affirmed.

SIMS, J.

We concur: SCOTLAND, P.J.
DAVIS, J.

TUESDAY, JANUARY 19, 1999 CONTINUED

At 9:30 a.m., the court met in the Library & Courts Building to begin it's court calendar session.

PRESENT: SCOTLAND, Presiding Justice
 MORRISON, Associate Justice
 HULL, Associate Justice

Bailiff: Rios.
Calendar Called.

Civil ESTATE OF WHITE
No. JOAN MAYO
C028755 v.
 GLORIA KERBY ET AL.

Cause called. Edwin H. Adams argued for Plaintiff-Appellant.
Michael B. Arkin argued for Defendants-Respondents. Cause submitted.

Civil JOEZITA BIGGERS
No. v.
C029160 WORKERS' COMPENSATION APPEALS BOARD ET AL.

Cause called. Frederick J. Gibbons argued for Petitioner Joseph R. Montgomery, of Hanna, Brophy, MacLean, McAleer & Jensen argued for Respondent Sutter County. No appearance was made on behalf of Respondent Workers' Compensation Appeals Board as argued having been previously waived and approved.

TUESDAY, JANUARY 19, 1999 CONTINUED

At 10:15 a.m., court recessed. At 10:19 a.m., court reconvened with the same panel except Associate Justice Nicholson in place of Associate Justice Morrison.

Civil S.T.A.T. NURSING SERVICES ETC., ET AL
No. v.
C029239 WORKERS' COMPENSATION APPEALS BOARD ET AL.

Marilee B. Hazen, of Gray & Prouty argued for Petitioners. Roger A. Tolman, Jr., f Mastagni, Holstedt & Chiurazzi argued for Respondent Lillie Fickinger. Cause submitted.

Court adjourned at 10:39 a.m., until 9:30 a.m., Tuesday, January 20, 1999.

Civil LIESELOTTE R. MIKEL (Not for Publication)
No. v.
C028134 KERR MANUFACTURING COMPANY ET AL.

The judgment in favor of Severen regarding plaintiff's 1984 fillings (including plaintiff's battery claim against Severen regarding those 1984 fillings) is affirmed. In all other respects, the judgments in favor of Severen and Kerr are reversed. The matter is remanded to the trial court for further proceedings consistent with this opinion. Plaintiff is awarded her costs on appeal.

DAVIS, Acting P.J.

We concur: NICHOLSON, J.
 CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C028071 TAIT LATAUSCA BELYEW

the judgment is affirmed.

SCOTLAND, P.J.

We concur: NICHOLSON, J.
 MORRISON, J.

TUESDAY, JANUARY 19, 1999 CONTINUED

Civil In re the Marriage of LACEY and KIRK BOWMAN
No. v.
C028455 KIRK BOWMAN

The order appealed from is affirmed.

CALLAHAN, J.

I concur: DAVIS, J.

I concur in the judgment on the ground the disposition is limited to correction of the clerical error. This does not mean that the support order is enforceable. To be enforced the order specifying the correct amount of child support must be served on the respondent and is not retroactive. The record shows no such service.

BLEASE, Acting P.J.

WEDNESDAY, JANUARY 20, 1999

At 9:33 a.m., the court met for a continuation of its court calendar session.

PRESENT: BLEASE, Acting Presiding Justice
 DAVIS, Associate Justice
 RAYE, Associate Justice

Bailiff: Conrad.
Calendar Called.

Civil GENE WONG ET AL.
No. v.
C028154 GLOBE INDEMITY COMPANY

Cause called. Jon D. Universal, of Anwyl, Scoffield, Stepp & Universal argued for Plaintiffs-Appellants. D. Douglas Shureen, of Rivkin, Radler & Kremer argued for Defendant-Respondent. Cause submitted.

Civil LILLIAN LAWRENCE STREAT ETC.
No. v.
C025483 KEN KOPITZKE

Cause called. Bruce Albion Bailey argued for Plaintiff-Appellant. Douglas A. Sears, of Matheny Sears Linkert & Long argued for Defendant-Respondent. Cause submitted.

WEDNESDAY, JANUARY 20, 1999 CONTINUED

At 10:19 a.m., court recessed. At 10:23 a.m., court reconvened with the same panel except Associate Justice Morrison in place of Associate Justice Raye.

Civil WILLIAM SCHALTZ ET AL.
No. v.
C028629 FRANCHISE TAX BOARD

Cause called. Michael S. Noble argued for Plaintiff-Respondent. Robert D. Milam, Deputy Attorney General argued for Defendant-Appellant. Cause submitted.

At 10:41 a.m., court recessed. At 10:45 a.m., court reconvened with Acting Presiding Justice Sims. Associate Justice Davis and Associate Justice Nicholson.

Civil ROBIN DARTIS
No. v.
C026932 EMPLOYMENT DEVELOPMENT DEPARTMENT ET AL.

Cause called. Marian M. Johnston, of Eisen & Johnston argued for Plaintiff-Appellant. David I. Bass, Deputy Attorney general argued for Defendants-Respondents.

At 11:14 a.m., court recessed. At 11:18 a.m., court reconvened with the same panel except Associate Justice Raye in place of Associate Justice Nicholson.

Civil ALBERT MEZZETTI
No. v.
C028793 MANTECA UNIFIED SCHOOL DISTRICT ET AL.

Cause called. Albert Mezzetti argued for Himself in Pro Per as Plaintiff-Appellant. Bonnie K. Gibson, of Hansen, Bridgett, Marcus, Vlahos & Rudy argued for Defendants-Respondents.

At 11:38 a.m., court recessed. At 2:01 p.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Sims, and Associate Justice Raye.

WEDNESDAY, JANUARY 20, 1999 CONTINUED

Civil STEVEN A. STAFFORD
No. v.
C027193 CITY OF SACRAMENTO ET AL.

Cause called. Leo F. Donahue argued for Plaintiff-Appellant. Marjorie E. Manning, of Bolling, Walter & Gawthrop argued for Defendants-Respondents.

At 2:15 p.m., court recessed. At 2:18 p.m., court reconvened with the same panel except Associate Justice Callahan in place Associate Justice Sims.

Crim. THE PEOPLE
No. v.
C029191 THOMAS PATRICK ELGIN

Cause Called. R. Bruce Finch, court appointed counsel argued for Defendant-Appellant. Judy Kaida, Deputy Attorney General argued for Plaintiff. Cause submitted.

At 2:29 p.m., court recessed. At 2:20 p.m., court reconvened with Acting Presiding Justice Davis, Associate Justice Raye and Associate Justice Callahan.

Civil ESTATE OF PETER
No. CHARLENE MOORHEAD ET AL.
C027568 v.
FRANK A. PETER, II ET AL.

Cause called. Peter J. Stubbs argued for Petitioners-Appellants. Jeffrey Todd Stromberg appeared on behalf of Petitioners-Appellants but did not argue. David W. Vasquez argued for Objector-Respondent Frank A. Peter, II. Cause submitted.

Civil RAMZI SADEK ET AL..
No. v.
C028146 BRENDA NEWTON

Cause called. Anthony J. Poidmore argued for Plaintiffs-Appellants. Carol L. Ventura argued for Defendant-Respondent. Cause submitted.

Court adjourned at 3:24 p.m., until 9:30 a.m., Friday, January 22, 1999.

WEDNESDAY, JANUARY 20, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C028401 STEVEN BOYCE CRADER

The judgment is affirmed.

DAVIS, Acting P.J.

We concur: RAYE, J.
 HULL, J.

Civil MARILYN LEWIS (Not for Publication)
 No. v.
 C028082 RALPH MERZLAK ET AL.

The order of dismissal is affirmed. The portion of the order denying reconsideration which denies the defendants' request for costs and attorney's fees under section 527.6 is vacated. This matter is remanded with directions to grant the request in the reconsideration order and calculate the amount of the costs and fees incurred both in the superior court and on appeal in connection with that order.

DAVIS, J.

We concur: SIMS, Acting P.J.
 NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C028324 DANIEL RICHARD HARDING

The judgment is affirmed.

HULL, J.

We concur: DAVIS, Acting P.J.
 NICHOLSON, J.

Civil McCLELLAN BUILDERS, INC. ET AL.
 No. v. (Not for Publication)
 C027703 GAIL W. JESSWEIN, as REGISTRAR OF CONTRACTORS, ETC.

The judgment is affirmed.

SCOTLAND, P.J.

I concur: PUGLIA, J.
 I concur in the result:
 RAYE, J.

WEDNESDAY, JANUARY 20, 1999 CONTINUED

Civil In re Marriage of RICHARD M. and KAREN D. SAULMON
No. RICHARD M. SAULMON
C028494 v. (Not for Publication)
KAREN DENISE BRIDGES (SAULMON)
The order is affirmed.
DAVIS, Acting P.J.
We concur: CALLAHAN, J.
HULL, J.

Juvenile In re CHEYANNE B. ET AL., a Person Coming Under the Juvenile Court
Law. (Not for Publication)
No. THE DEPARTMENT OF SOCIAL SERVICES
C029911 v.
MEGAN V.
The orders from which appellant appeals are affirmed.
SCOTLAND, P.J.
We concur: SIMS, J.
NICHOLSON, J.

Crim., THE PEOPLE (Not for Publication)
No. v.
C026276 DANIEL CLIFFORD EASTER
The judgment is affirmed.
SIMS, Acting P.J.
I concur: DAVIS, J.
I concur in the result:
MORRISON, J.

THURSDAY, JANUARY 21, 1999

Crim. THE PEOPLE (Not for Publication)
No. v.
C029971 RONALD DEMETRIC WEBB
The judgment is affirmed.
SIMS, J.
We concur: SCOTLAND, P.J.
MORRISON, J.

THURSDAY, JANUARY 21, 1999 CONTINUED

Civil CONNIE GONZALES (Certified for Publication)

No. v.

C029015 WORKERS' COMPENSATION APPEALS BOARD and HUNT-
WESSON, INC.

THE COURT:

It is ordered that the opinion filed here on December 22, 1998, be modified in the following particulars:

1. ...
2. ...

Appellants petition for rehearing is denied. There is no change in judgment.

FOR THE COURT:

SIMS, Acting P.J.
DAVIS, J.
PUGLIA, J.

Crim.

No. In re WAYNE LEMAN on Habeas Corpus

C031643

BY THE COURT:

The court having examined the notice of appeal and having determined that the order appealed from is a nonappealable order, the appeal filed January 11, 1999, is dismissed (In re Crow (1971) 4 Cal. 3d 613, 621, fn. 8.)

Dated: January 21, 1999

BLEASE, Acting P.J.

Crim. THE PEOPLE (Not for Publication)

No. v.

C028984 BONITA O'CONNOR

The judgment is affirmed.

SCOTLAND, P.J.

We concur: MORRISON, J.
CALLAHAN, J.

THURSDAY, JANUARY 21, 1999 CONTINUED

Civil SAMUEL F. WILSON (Not for Publication)
 No. v.
 C0021285 CONTINENTAL CABLE

The judgment is reversed. The parties shall bear their own costs on appeal.

SCOTLAND, P.J.

We concur: BLEASE, J.
 NICHOLSON, J.

Civil S.W.A.T. NURSING and HIH AMERICA COMPENSATION
 INSURANCE
 No. v.
 C029239 WORKER'S COMPENSATION BOARD and LILLIE FICKINGER

The opinion and decision of respondent Board after reconsideration is annulled, and the matter is remanded for further proceedings consistent with the views expressed herein. Petitioners are awarded costs on appeal.

HULL, J.

We concur: SCOTLAND, P.J.
 NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C027565 CLIFTON EDWARD WHALEY

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: SIMS, J.
 MORRISON, J.

Civil JOEZITA BIGGERS (Certified for Publication)
 No. v.
 C029160 WORKERS COMPENSATION APPEALS BOARD, COUNTY OF
 SUTTER ET AL.

The order is annulled and the cause remanded for further proceedings consistent with the views expressed herein. Biggers shall recover her costs on review.

MORRISON, J.

We concur: SCOTLAND, P.J.
 HULL, J.

THURSDAY, JANUARY 21, 1999 CONTINUED

Civil GOLDEN EAGLE INSURANCE COMPANY
No. v. (Not for Publication)
C029814 CURRENT CONCEPTS CORP.

The judgment is affirmed. Concepts shall recover costs on appeal.
RAYE, J.

We concur: SIMS, Acting P.J.
 DAVIS, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C025132 KELVIN LAMONT QUARLES

The judgment is affirmed.

HULL, J.

We concur: DAVIS, Acting P.J.
 NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C028484 WILLIAM OWENS

The judgment is affirmed. The State’s cross-appeal is denied. The parties shall bear their own costs on appeal.

RAYE, J.

We concur: SIMS, Acting P.J.
 MORRISON, J.

FRIDAY, JANUARY 22, 1999

At 9:33 a.m., the court met for a continuation of it's court calendar session.

PRESENT: MORRISON, Acting Presiding Justice
CALLAHAN, Associate Justice
PUGLIA, Associate Justice

THURSDAY, JANUARY 21, 1999 CONTINUED

Civil GLENN D. WILSON ET AL.
 No. v.
 C026875 REGENTS OF THE UNIVERSITY OF CALIFORNIA
 Cause called. Mary E. Alexander, of Cartwright & Alexander argued for
 Plaintiffs-Appellants. Kathy M. Banke, of Crosby, Heafey, Roach & May
 argued for Defendant-Respondent. Cause submitted.

At 9:50 a.m., court recessed. At 9:59 a.m., court reconvened with
 Acting Presiding Justice Sims, Associate Justice Raye, and Associate
 Justice Morrison.

Civil MICHAEL L. BELKE
 No. v.
 C028718 CH ADMINISTRATION, INC.
 Cause called. Phillip M. Cunningham, of Cunninham & Van Santen
 argued for Plaintiff-Appellant-X-Respondent. John Emmett argued for
 Defendant-Respondent-X-Appellant. Leslie M. Mitchell, of Mitchell &
 Ison appeared on behalf of Defendant-Respondent-X-Appellant but did not
 argue. Cause submitted.

Court adjourned at 10:26 a.m., until 9:30 a.m., Monday, January 22, 1999.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C030011 DONALD WARREN BAUMAN
 The judgment is affirmed.
 SIMS J.
 We concur: SCOTLAND, P.J.
 MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C028682 MATTHEW BRIAN McCUBBIN
 The judgment is affirmed.
 CALLAHAN, J.
 We concur: DAVIS, Acting P.J.
 MORRISON, J.

FRIDAY, JANUARY 22, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C029178 ALEJANDRO NOLASCO

The judgment is affirmed.

CALLAHAN, J.

We concur: DAVIS, Acting P.J.
 MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C027698 DWAYNE ALLEN EICHLER

The judgment is modified to award defendant 801 days of presentence custody credit against his determinate term. The trial court is directed to prepare an amended abstract of judgment reflecting such modification and forward a copy to the Director of Corrections. In all other respects the judgment is affirmed.

CALLAHAN, J.

We concur: SIMS, Acting P.J.
 NICHOLSON, J.

Crim. THE PEOPLE
 No. v.
 C026604 JAMES RUSSEL WEEMS
 BY THE COURT:

Appellant's motion to recall the remittitur is granted. The remittitur issued on December 16, 1998, is ordered recalled, and the trial court clerk is directed to return the original remittitur to this court. The opinion of this court filed on October 16, 1998, is vacated, and the appeal is reinstated.

Upon receipt of the original remittitur from the trial court, the cause will be resubmitted, and the clerk of the court is directed to refile the opinion in the above matter.

Dated: January 22, 1999

BLEASE, Acting P.J.

FRIDAY, JANUARY 22, 1999 CONTINUED

Civil ESTATE OF BETTY MAE WHITE, Deceased.
No. JOAN MAYO

C028755 v. (Not for Publication)
 GLORIA KERBY, Co-executor, ETC., ET AL.

 The judgment is affirmed.

HULL, J.

We concur: SCOTLAND, P.J.
 MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
No. v.

C025971 FORREST RAY WRIGHT II

 The judgment is reversed.

BLEASE, Acting P.J.

We concur; SIMS, J.
 MORRISON, J.